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7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. **2010-581**

12 **GWEN M. STERRY**
15761 Chateau Montelena
13 Bakersfield, CA 93314

ACCUSATION

14 Registered Nurse License No. 633165
15 Public Health Nurse Certificate No. 69617

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., R.N (Complainant) brings this Accusation solely in
21 her official capacity as the Interim Executive Officer of the Board of Registered Nursing,
22 Department of Consumer Affairs.

23 2. On or about February 25, 2004, the Board of Registered Nursing (Board) issued
24 Registered Nurse License No. 633165 to Gwen M. Sterry (Respondent). The Registered Nurse
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on December 31, 2011, unless renewed. On or about November 21, 2005, the Board
27 issued Public Health Nurse Certificate No. 69617 to Gwen M. Sterry. The Public Health Nurse
28

1 Certificate was in full force and effect at all times relevant to the charges brought herein and will
2 expire on December 31, 2011, unless renewed.

3 JURISDICTION

4 3. This Accusation is brought before the Board, under the authority of the
5 following laws. All section references are to the Business and Professions Code unless otherwise
6 indicated.

7 STATUTORY PROVISIONS

8 4. Section 2750 provides, in pertinent part, that the Board may discipline any
9 licensee, including a licensee holding a temporary or an inactive license, for any reason provided
10 in Article 3 (commencing with section 2750) of the Nursing Practice Act.

11 5. Section 2761 states:

12 "The board may take disciplinary action against a certified or licensed nurse or deny
13 an application for a certificate or license for any of the following:

14 "(a) Unprofessional conduct, . . .

15 6. Section 2762 states in pertinent part:

16 "In addition to other acts constituting unprofessional conduct within the meaning of
17 this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under
18 this chapter to do any of the following:

19 "(b) Use any controlled substance as defined in Division 10 (commencing with
20 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as
21 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
22 injurious to himself or herself, any other person, or the public or to the extent that such use
23 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
24 license."

25 7. Section 2764 provides, in pertinent part, that the expiration of a license shall not
26 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
27 to render a decision imposing discipline on the license. Under section 2811(b), the Board may
28 renew an expired license at any time within eight years after the expiration.

1 recognized one of the pharmaceuticals as Vicodin. All day Respondent was slurring her words
2 and having great difficulty speaking, walking, and sitting. Eventually the RN had to drive
3 Respondent home.

4 b. On or about March 1, 2007, Respondent was stopped at Noble School by one of the
5 school principals because she was stumbling and had slurred speech. Respondent was driven
6 home by staff.

7 c. On or about February 19, 2007, a principal called from one of the schools where the
8 RN had sent Respondent. The principal advised the RN that Respondent could not walk or talk.
9 One of the staff members was assigned to drive Respondent home.

10 d. In or about September 2006, Respondent was taking pills during a conference she was
11 attending on domestic violence. When it became apparent that Respondent was under the
12 influence and unable to function, the staff had to drive her home.

13 PRAYER

14 *WHEREFORE*, Complainant requests that a hearing be held on the matters herein alleged,
15 and that following the hearing, the Board issue a decision:

- 16 1. Revoking or suspending Registered Nurse License No. 633165, issued to Gwen M.
17 Sterry;
18 2. Revoking or suspending Public Health Nurse Certificate No. 69617 issued to Gwen M.
19 Sterry;
20 3. Ordering Gwen M. Sterry to pay the Board the reasonable costs of the investigation
21 and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
22 4. Taking such other and further action as deemed necessary and proper.

23
24 DATED: 5/16/10

Louise R. Bailey
LOUISE R. BAILEY, M.Ed., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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